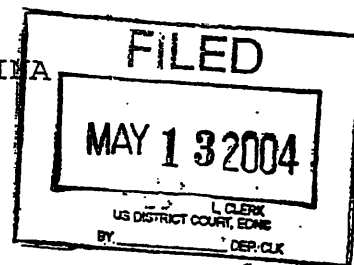


USA
BR

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:04-CR-161-F



UNITED STATES OF AMERICA)

v.)

LOUIS MICHAEL LAZORWITZ)

CRIMINAL INFORMATION

Fed. R. Crim. P. 7

THE UNITED STATES ATTORNEY CHARGES THAT:

BACKGROUND

At all times relevant hereto,

1. LOUIS MICHAEL LAZORWITZ, a resident of Texas for the past 13 years, was the co-founder and one of two general partners of Tri-Star Investment Group, L.L.C. (hereinafter referred to as "Tri-Star"). In that capacity, defendant LAZORWITZ marketed "high yield" investment opportunities to potential investors around the United States. Defendant LAZORWITZ further conducted sales seminars, managed investor monies, and communicated directly with investors and sales agents known as "facilitators." Defendant LAZORWITZ also purported to run businesses under the names of Lazor Consulting, Inc., Lazor Limited, and Georgia Risk Management, Inc. Defendant LAZORWITZ also had a business interest in Midnight Resources, Inc.

2. Tri-Star Investment Group, L.L.C., was represented to be a North Carolina limited liability company.

3. Tri-Star maintained offices and bank accounts in North

Carolina, Georgia, and Texas. Defendant LAZORWITZ established, furnished, and operated the Texas office.

4. Defendant LAZORWITZ maintained joint control over the Tri-Star bank accounts in Georgia and Texas.

5. Facilitators were persons who acted as agents for Tri-Star, soliciting investors throughout the United States. Tri-Star had approximately 35 facilitators.

6. The Tri-Star investment program involved investment contracts, bank debentures and/or stock, and/or debt securities, all of which are "securities" as that term is defined in Section 2(a)(1) of the Securities Act [15 U.S.C. § 77b(a)(1)], Section 3(a)(10) of the Exchange Act [15 U.S.C. § 78c(a)(10)], and Section 202(a)(18) of the Advisers Act [15 U.S.C. § 80b-2(a)(18)].

7. Neither Tri-Star nor the defendant was registered with the Securities and Exchange Commission to sell securities. No registration statement was in effect, nor was a registration statement filed with the Commission, with respect to the securities sold by defendant Lazorwitz, Tri-Star, or any of the co-conspirators.

8. Lazor, Ltd. was represented to be a foreign entity primarily controlled by defendant LAZORWITZ. Lazor, Ltd. received assets from the fraud without any legitimate claim to the gains.

9. Midnight Resources was a Texas corporation. Midnight

Resources received assets from the fraud without any legitimate claim to the gains.

10. Lazor Communications was a Texas corporation, owned and operated by defendant Lazorwitz. Lazor Communications received assets from the fraud without any legitimate claim to the gains.

11. Aerospace Travel was a Florida corporation, owned in part by defendant Lazorwitz. Aerospace Travel received assets from the fraud.

FORMATION OF THE CONSPIRACY

12. Before Tri-Star's formation, defendant LAZORWITZ recruited investors for "Haven Quest" -- a prime bank securities fraud involving purported bank debenture trading programs founded by two Louisiana residents in October 1997.

13. Defendant LAZORWITZ first met his co-conspirator/general partner of Tri-Star in Antigua as early as late 1997, through another Haven Quest recruiter.

14. In or about November 1997, defendant LAZORWITZ and his co-conspirator/general partner of Tri-Star agreed to form Tri-Star Investment Group L.L.C., using the Haven Quest bank debenture program as a model.

15. On or about February 2, 1998, defendant LAZORWITZ and others signed the Articles of Organization of Tri-Star Investment Group L.L.C., for the purpose of forming a limited liability company under the laws of the State of North Carolina.

16. Beginning no later than February 1998, defendant

LAZORWITZ, with the assistance of others, began soliciting investors for an investment scheme to be marketed by himself and his co-conspirators. The investment program was represented to potential investors to involve a pool of funds that would be invested in a program to trade financial instruments, such as off-shore bank debentures, that would lead to twenty percent (20%) returns monthly with no risk to the principal invested. By late 1998, defendant LAZORWITZ and his co-conspirators also represented that Tri-Star's international trade opportunities included initial public offerings, foreign currencies, commodities, precious metals, stocks, and the pay phone industry. In fact, there was no such investment program.

17. Around March 1998, defendant LAZORWITZ hired a Georgia resident and co-conspirator, to help with Tri-Star's operations in an administrative capacity. By May 1998, the co-conspirator was essentially acting as Tri-Star's office manager in Tri-Star's main office in Georgia.

THE CONSPIRACY

18. Beginning in or about November 1997 and continuing up through and including October 2002, in the Eastern District of North Carolina and elsewhere, LOUIS MICHAEL LAZORWITZ, defendant herein, along with others both known and unknown to the United States Attorney, did knowingly, willfully, and unlawfully conspire, combine, confederate, and agree with other persons, both known and unknown to the United States, to commit offenses

against the United States, to wit:

A. Use of the mails for the purpose of executing a scheme and artifice to defraud, and for obtaining money by means of materially false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1341;

B. Use of wire communications in interstate commerce for the purpose of executing a scheme and artifice to defraud, and for obtaining money by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1343; and

C. Employment of a device, scheme, and artifice to defraud, obtaining money and property by means of untrue statements of material fact and misleading omissions of material facts, and engaging in transactions, practices, and a course of business which operated as a fraud and deceit upon purchasers, all in the sale of securities by the use of means and instruments of transportation and communication in interstate commerce and use of the mails, in violation of Title 15, United States Code, Sections 77q(a) and 77x.

OBJECTS OF THE CONSPIRACY

19. It was the purpose and object of the conspiracy for the co-conspirators to enrich themselves at the expense of their investors by offering, selling, and facilitating the offer and sale of, investments in a sham program in which the investments

were falsely represented to be fully secured and safe, and were falsely represented to be generate extremely high rates of return over the short term.

MANNER AND MEANS OF THE CONSPIRACY

20. In furtherance of the conspiracy, defendant LAZORWITZ, along with others, employed the following ways and means:

A. The defendant and his co-conspirators created Tri-Star through which to market the scheme to potential investors nationwide, and recruited other persons to act as agents in marketing the scheme to potential investors.

B. The defendant and his co-conspirators falsely represented to potential investors and agents that they had access to a privileged, private investment program, which was not available to the general public.

C. The defendant, his co-conspirators, and their agents had investors sign "non-solicitation" and "non-disclosure" agreements, and provided investors with an Application for Membership or an Application for Stock Purchase (an "Investor Application") and a Limited Partnership Agreement which contained minimal information concerning the nature of the investment. The investor and his or her facilitator generally signed the Investor Application and forwarded it by mail and/or through other means of interstate commerce, along with the investor's minimum initial investment of \$10,000, to Tri-Star, for acceptance by the conspirators on behalf of Tri-Star.

D. The defendant and his co-conspirators falsely represented to investors and potential investors that their investments in the program marketed by the defendant would be virtually risk-free, with investors' funds fully secured by specific certificates of deposit issued to Tri-Star.

E. The defendant and his co-conspirators falsely represented to investors and potential investors that their investments in the program marketed by the conspirators would generate a minimum guaranteed 20% return each month, after a 90-day waiting period in an alleged 13-month trading program, with potential profits of up to over 500% per year.

F. The defendant and his co-conspirators falsely represented to investors and potential investors that the trading program through which the profits were generated involved entities such as the International Monetary Fund, and the Federal Reserve Board, or had been approved by federal officials.

G. The defendant and his co-conspirators falsely represented to investors and potential investors that defendant LAZORWITZ and the other co-conspirator/general partner had many years of experience with such trading programs; that they were highly knowledgeable about such programs; and that they and/or their clients had been financially successful through participation in such programs.

H. The defendant and his co-conspirators directed investors to move funds into bank accounts controlled by the defendants and their agents, by providing certified cashiers checks payable to entities controlled by the defendants or their agents, or by wire transferring funds into bank accounts controlled by the defendant and his co-conspirators which were in the name of such entities.

I. Between February 1998 and August 2000, the defendant and his co-conspirators received over \$20,345,000 from nearly 900 investors in 37 different states in the United States. The monies were transferred either by wire or through the mail, by certified check.

J. Defendant LAZORWITZ and his co-conspirators implemented a "ponzi" scheme, in which they paid investors a "return" on their investments from the funds which those and other investors had invested, and intended to mislead them into believing that their investments were profitable, at a time when they knew that no return on the investments was in fact being generated from any trading program.

K. It was further a part of the conspiracy to lull investors into a sense of security by the issuance of monthly account statements known to be false. The defendant and his co-conspirators prepared and mailed monthly Tri-Star account statements to investors and facilitators. The account statements for investors regularly showed earned "interest" of

20% per month after a 90-day waiting period, in some cases compounded, and the account statements for at least some of the facilitators showed earned commissions.

L. It was further a part of the conspiracy that defendant LAZORWITZ and another conspirator fabricated documentation purporting to reflect substantial investments by Tri-Star.

M. It was further a part of the unlawful conspiracy that defendant LAZORWITZ and another co-conspirator failed to disclose to investors that they lost the \$1 million in funds represented to have been invested in a bank debenture, and further failed to disclose to Tri-Star investors that they had previously lost over \$700,000 of Haven Quest investor funds in a scheme similar to the Tri-Star investment scheme.

N. It was further a part of the unlawful conspiracy that defendant LAZORWITZ and another co-conspirator used a substantial portion of the investor funds for personal benefit. Defendant LAZORWITZ and his co-conspirators used more than \$1,000,000 in investor funds for questionable expenses, including investor recruitment and international travel, and also caused the withdrawal or transfer of at least \$600,000 from Tri-Star investor funds for their personal benefit, for, among other things, purchasing four luxury cars for themselves and two other persons, including defendant LAZORWITZ's daughter. In addition, defendant LAZORWITZ used at least \$300,000 of Tri-Star

investor funds for an investment in his name and for his sole benefit, including an interest in Aerospace Travel, a Florida travel agency, and in Midnight Resources, an internet company engaged in interactive pornography.

O. It was further a part of the unlawful conspiracy that on or about June 2, 1999, defendant LAZORWITZ, on behalf of Tri-Star and the conspirators, fabricated and submitted a false document to the North Carolina Secretary of State - Securities Division in connection with its on-going investigation of the activities of Tri-Star. The false document purported to reflect investments of \$12 million on behalf of Tri-Star investors.

P. It was further a part of the unlawful conspiracy that; even after meeting with state investigators regarding potential securities fraud violations in June 1999, the co-conspirators gave investors false and misleading information about the nature of the investigation in order to lull investors into inaction and to prevent further investigation of the scheme, including, but not limited to the following:

i. In June and July 1999, Tri-Star, under the control of defendant LAZORWITZ and his co-conspirators, mailed letters to investors and/or facilitators falsely explaining delays in mailing account statements and paying investor profits.

ii. One letter, dated July 14, 1999 and bearing the signatures of defendant LAZORWITZ and his co-

conspirator/general partner in Tri-Star, stated that the delays were due to legal guidelines for transferring funds offshore, and stated: "This delay is NOT a reflection of the financial status of the group, or administrative difficulties of our staff." The letter added that Tri-Star had decided to make disbursements quarterly, rather than monthly, and stated that the new procedure would "allow a substantial amount of wires to be sent through the months and even have an over abundance [sic] of funds available for posting." The letter also stated that the new procedures would "allow the Trades to mature without early withdrawal, and therefore receive the full benefit of a trade without being penalized." In fact, those statements were not true. Nothing in the July 14, 1999 letter disclosed an ongoing investigation of Tri-Star by the North Carolina Secretary of State - Securities Division, or Tri-Star's lack of significant profits.

iii. In September 1999, Tri-Star, under the control of defendant LAZORWITZ and his co-conspirator/general partner mailed a letter to investors and falsely represented that North Carolina had ordered Tri-Star to cease and desist activities. Defendant LAZORWITZ and his co-conspirators further

falsely represented that the investors' principal was safe, but that Tri-Star's monies were frozen.

iv. The co-conspirators falsely represented to investors that Tri-Star would repay investors their principal plus 10% profits in a "most timely manner."

v. In October 1999, Tri-Star, through defendant LAZORWITZ and his co-conspirator/general partner, mailed investors a correction letter indicating that no cease-and-desist order had been issued, and falsely represented that Tri-Star intended to make a rescission offer "in the near future" to repay investors their principal plus 8% profits.

vi. In March 2000, the co-conspirators again falsely represented, in writing, to some investors that Tri-Star intended to make refunds, knowing that said refunds would never be made.

Q. It was further a part of the unlawful conspiracy that the co-conspirators continued to use investor monies to pay for Tri-Star office expenses, including rent on office space in Houston, Texas, as late as December 1999.

R. It was further a part of the unlawful conspiracy that defendant LAZORWITZ continued to maintain the Tri-Star NationsBank account in Texas through at least January 2000.

S. It was further a part of the unlawful conspiracy that the co-conspirators continued to collect investors' monies

up to and through August 2000.

T. It was further a part of the unlawful conspiracy that in or about November 2000, defendant LAZORWITZ used approximately \$160,000 of Tri-Star investor monies to fund Midnight Resources, a company that operated a pornographic website. Defendant LAZORWITZ never disclosed to investors that he was using Tri-Star funds to invest in Midnight Resources.

U. It was further a part of the conspiracy that, in order to conceal their individual involvement in the sham investment program and the monies they derived therefrom, the defendant and his co-conspirators engaged in the following and other practices:

- i. The defendant and his co-conspirators failed to file registration statements with the SEC for Tri-Star and any offshore trading program in which it allegedly invested, even though investments in offshore trading programs constituted the purchase and sale of securities;
- ii. The defendant and his co-conspirators failed to register with the SEC as brokers even though they offered, touted and sold securities for the account of others, that is, investment contracts for participation in Tri-Star;
- iii. The defendant and his co-conspirators opened or used bank accounts in names of other individuals or entities;
- iv. The defendant and his co-conspirators funneled and laundered investors' monies from account to account to account including, sometimes, offshore accounts, and commingled these monies with other monies and then disbursed and distributed the funds in such a way that the original character of

an investor's money could not be traced;

- v. The defendant and his co-conspirators either failed to file federal tax returns and pay any federal taxes or failed to accurately report their income received.

U. It was further an object and purpose of the conspiracy for defendant LAZORWITZ and his co-conspirator to corruptly influence, obstruct, and impede the due administration of justice by concealing facts, and providing intentionally evasive, false and misleading testimony to the United States Securities and Exchange Commission during depositions in January 2001, March 2001, and October 2002.

OVERT ACTS

21. In furtherance of the conspiracy, and to effect the object thereof, there were committed by at least one of the co-conspirators in the Eastern District of North Carolina at least one of the following overt acts, among others:

A. On or about February 27, 1998, a co-conspirator/general partner opened a commercial checking account at NationsBank, in Raleigh, North Carolina, in the name of Tri-Star Investment Group L.L.C.

B. On or about March 13, 1998, a co-conspirator rented a post office box at Mail Boxes, Etc., 5910-129 Duraleigh Road, Raleigh, North Carolina, in the name of Tri-Star Investment Group, L.L.C. On the application, the co-conspirator/general partner listed a business address of 1210-305 Westview Lane, Raleigh, North Carolina.

C. On or about May 11, 1998, a co-conspirator/general partner authorized a wire transfer from the Tri-Star Raleigh NationsBank account in the amount of \$400,000 to another company owned and operated by defendant LAZORWITZ.

D. In or about July 1998, the co-conspirator/general partner traveled to Henderson, North Carolina, to discuss the "investments" with potential investors.

E. On or about July 23, 1998, the co-conspirator/general partner obtained two official bank checks drawn on investor funds in the Tri-Star Raleigh NationsBank account and payable to Leith, Inc. in the amount of \$213,546.00 and \$90,689.60 respectively, (total amount of \$304,235.60), to purchase, in the name of Lazor, Ltd., 1210-305 Westview Lane, Raleigh, North Carolina, 27605, the following automobiles:

- i. a 1999 Mercedes model S500V, VIN #WDBGA51G3XA421346, for a price of \$94,611.60;
- ii. a 1998 Mercedes model CL600, VIN #WDBGA76G8WA398097, for a price of \$136,042.00; and
- iii. a 1997 Mercedes model SL320-95, VIN #WDBFA63F0VF151837, for a price of \$75,584.00.

F. On or about July 23, 1998, defendant LAZORWITZ traveled to the Eastern District of North Carolina to take

possession of one of the Mercedes purchased with investor funds.

G. On or about August 14, 1998, the co-conspirator/general partner used investors' funds in the amount of \$33,096.87 to purchase a 1998 Ford Expedition, VIN # 1FMRV17L5WLB53753, in the name of Lazor, Ltd., 1210-305 Westview Lane, Raleigh, North Carolina, 27605.

H. On or about August 28, 1998, the co-conspirator/general partner used investors' funds to purchase a 1998 Yamaha VMAX motorcycle, VIN #JYA2WEE04WA069382. Defendant LAZORWITZ took possession of the motorcycle until he was injured shortly thereafter in a motorcycle-related accident.

I. On or about December 5, 1998, the co-conspirator/general partner traded said Yamaha motorcycle for a 1999 Ducati Model 996 motorcycle, VIN #ZDM1SB5T1XB000668. Said Ducati was purchased under the name of Walden International, Ltd., 1210-305 Westview Lane, Raleigh, North Carolina.

J. On or about December 30, 1998, the co-conspirator/general partner executed a lease for 701-102 West Lane Street, Raleigh, North Carolina, in the name of Tri-Star Investment Group, L.L.C.

K. Between June 1998 and January 1999, the co-conspirator/general partner caused the following monies to be transferred by wire from the Tri-Star Raleigh NationsBank account to the Royal Bank of Scotland in Nassau, Bahamas:

	<u>DATE</u>	<u>AMOUNT</u>
i.	06/03/1998	\$4,000
ii.	07/01/1998	\$5,000
iii.	07/01/1998	\$1,500
iv.	07/16/1998	\$75,000
v.	07/22/1998	\$15,000
vi.	08/07/1998	\$10,000
vii.	08/26/1998	\$170,000
viii.	08/31/1998	\$102,000
ix.	09/14/1998	\$150,000
x.	10/20/1998	\$155,000
xi.	12/08/1998	\$200,000
xii.	01/27/1999	\$75,000

L. On or about March 4, 1999, the co-conspirators conducted a sales seminar at the Sheraton Hotel in New Bern, North Carolina, which was attended by approximately 250 investors/potential investors. Defendant LAZORWITZ gave a presentation at the sales seminar encouraging individuals to invest in Tri-Star.

M. On or about March 6, 1999, the co-conspirators conducted a sales seminar at the Sheraton Hotel in New Bern, North Carolina, which was attended by investors/potential investors. Defendant LAZORWITZ gave a presentation at the sales seminar encouraging individuals to invest in Tri-Star.

N. In or about September 1999, the co-conspirators caused letters to be mailed to investors all over the country, including the Eastern District of North Carolina, and falsely represented therein that North Carolina had ordered Tri-Star to cease and desist activities, that the investors' principal was safe; and that Tri-Star's monies were frozen.

O. Notwithstanding the representations that Tri-Star's monies were frozen, between September 7, 1999, and November 17, 1999, the co-conspirator/general partner made at least \$65,000 worth of counter withdrawals from the Tri-Star Raleigh NationsBank account at bank branches in the Eastern District of North Carolina as follows:

	<u>DATE</u>	<u>AMOUNT</u>
i.	09/07/1999	\$3,000
ii.	09/14/1999	\$5,000
iii.	09/27/1999	\$10,000
iv.	09/29/1999	\$5,000
v.	10/04/1999	\$5,000
vi.	10/07/1999	\$5,000
vii.	10/13/1999	\$5,000
viii.	10/14/1999	\$5,000
ix.	10/15/1999	\$5,000
x.	10/18/1999	\$5,000
xi.	10/20/1999	\$5,000
xii.	11/08/1999	\$5,000

xiii.11/17/1999

\$2,000

P. On or about March 15, 2000, the co-conspirators caused letters to be mailed to investors all over the country, including the Eastern District of North Carolina, and falsely represented therein that Tri-Star intended to make a rescission offer to repay investors their principal plus 8% profits.

Q. On or about July 6, 2000, the co-conspirator/general partner opened bank account number 000685196287 at Bank of America in the name of "J. Charles Reives" and "Tri-Star Investment Group Account" with a deposit of \$100.

R. On or about August 4, 2000, the co-conspirator/general partner, with the assistance of the co-conspirator/office manager, prepared over 850 checks to various investors. The checks were drawn on the J. Charles Reives/Tri-Star Bank of America account, described in Paragraph O above, and purported to be a refund to investors of their principal investment plus 8% interest. At the time, the co-conspirator/general partner knew that there was only \$100 in the Tri-Star bank account, and therefore, there were insufficient monies in the bank account to cover the checks. The checks, which were never mailed by the co-conspirator/general partner, were seized by law enforcement officers.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

1. The United States Attorney realleges and incorporates by reference Paragraphs 1-21 of Count One above as if fully set forth herein.

2. Beginning in or about November 1997, the exact date being unknown, and continuing up through and including October 2002, in the Eastern District of North Carolina and elsewhere, LOUIS MICHAEL LAZORWITZ, defendant herein, did employ a device, scheme, and artifice to defraud, did obtain money and property by means of untrue statements of material fact and misleading omissions of material facts, and did engage in transactions, practices, and a course of business which operated as a fraud and deceit upon purchasers, all in the offer and sale of securities by the use of means and instruments of transportation and communication in interstate commerce and use of the mails, and did aid and abet others in so doing, all in violation of Title 15, United States Code, Sections 77q(a) and 77x, and Title 18, United States Code, Section 2.

COUNT THREE

1. The United States Attorney realleges and incorporates by reference Paragraphs 1-21 of Count One above as if fully set forth herein.

2. Beginning in or about November 1997, and continuing up through and including October 2002, in the Eastern District of North Carolina and elsewhere, LOUIS MICHAEL LAZORWITZ, defendant

herein, did knowingly and unlawfully combine, conspire, agree, and confederate with other persons, both known and unknown to the United States Attorney, to commit offenses against the United States, that is, knowing that the property involved in a financial transaction represented the proceeds of some form of unlawful activity, to conduct, and attempt to conduct, financial transactions affecting interstate commerce which, in fact, involved the proceeds of specified unlawful activity, namely, mail fraud, wire fraud and securities fraud, with the intent to promote the carrying on of such specified unlawful activity, and knowing that the transactions were designed in whole or in part to conceal and disguise the nature, source, and ownership of proceeds of specified unlawful activity, in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and (a)(1)(B)(i).

MANNER AND MEANS OF THE CONSPIRACY

Between November 1997 and December 2000, the defendant and his co-conspirators made numerous transfers of proceeds, previously received by Tri-Star Investment Group LLC from the fraudulent sale of securities, from the operating accounts of Tri-Star Investment Group in North Carolina, Georgia, and Texas, to an offshore bank account at the Royal Bank of Scotland in the Bahamas or another account controlled by one of the conspirators, and then to other accounts, all designed to promote the ongoing pyramid scheme, facilitate the ongoing

attempt to fraudulently obtain new investors, and to conceal how the defendant and his co-conspirators were actually using the proceeds from the sale of the securities.

All in violation of Title 18, United States Code, Section 1956(h).

FORFEITURE NOTICE

The defendant is hereby given notice of the provisions of Title 18, United States Code, Section 982, that all the defendant's interest in all property specified herein is subject to forfeiture.

As a result of the foregoing offenses in the Criminal Information, the defendant shall forfeit to the United States any and all property constituting, or derived from, any proceeds the said defendant obtained directly or indirectly as a result of the said offenses and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offenses alleged in the Criminal Information and any property, real or personal, involved in such offenses, or any property traceable to such property.

The forfeitable property includes, but is not limited to:

- (1) real property;
- (2) personal property;
- (3) the gross proceeds of the defendant's illegal acts; and
- (4) any assets and/or interest of the defendant in the following businesses: Lazor Ltd., Lazor Communications,

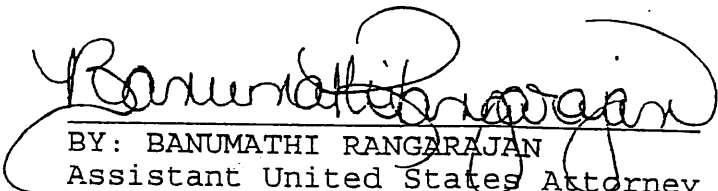
Midnight Resources, Griffin Industries, and Aerospace Travel.

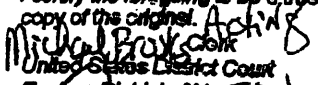

If any of the above-described forfeitable property, as a result of any act or omission of the defendant,

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

FRANK D. WHITNEY
United States Attorney


BY: BANUMATHI RANGARAJAN
Assistant United States Attorney
Criminal Division

I certify the foregoing to be a true and correct copy of the original. 
Michael Brooks, Clerk
United States District Court
Eastern District of North Carolina
By 
Deputy Clerk